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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,604	05/18/2004	Jui-Chiang Lin	LITP0026USA	3603

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EXAMINER

KAYRISH, MATTHEW

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/709,604	LIN, JUI-CHIANG	
	Examiner	Art Unit	
	Matthew G. Kayrish	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1-4, 7 and 8 have been considered but are moot in view of the new ground(s) of rejection. Claims 5 and 6 have been canceled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kwon (US Patent Number 6584064).

Regarding claim 1, Kwon discloses:

A floating-type clamping mechanism for use in an optical disk drive comprising:

A clamping body (figure 3, item 54);

A clamping yoke comprising a first central hole (figure 3, item 58b);

A central clamping element comprising a prominent part (figure 3, item 58a is prominent from bands connecting 58b and 58d);

A magnetic element (figure 3, item 56a) attracted to the clamping yoke and comprising a second central hole (figure 3, magnetic element [56a] has a hole), wherein the prominent part passes through the second central hole (column 3, lines 42-45) and the central clamping element is clamped by the clamping yoke and the magnetic element;
and

A plurality of elastic elements (figure 3, item 54b), wherein two ends of each elastic element are fixed to the clamping body (figure 4, item 54b is part of 54) and the clamping yoke respectively (figure 3, item 54b is attached to 58b through holes 58c).

Regarding claim 3, Kwon discloses:

The floating-type clamping mechanism of claim 1 wherein the clamping yoke further comprises a plurality of connecting holes (figure 3, item 56c) and the clamping body comprises a plurality of connecting holes (figure 3, hooks [54b] lie within holes on 54) positioned correspondingly to the plurality of connecting holes of the clamping yoke and the plurality of elastic elements are connected to the plurality of connecting holes of the clamping yoke and the plurality of connecting holes of the clamping body (column 3, lines 48-53).

Regarding claim 7, Kwon discloses:

A floating-type clamping mechanism for use in an optical disk drive comprising:

A magnetic element (figure 4, item 20);

A clamping yoke (figure 3, item 58b) attracted to the magnetic element (column 3, lines 45-48); and

A clamping body (figure 3, item 54) comprising a central clamping element (figure 3, item 54a) and a plurality of cantilevers (figure 3, cantilevers connect the outer ring of clamping body [54] to the central clamping element [54a]), wherein the cantilevers are stretched from the clamping body and connected to the central clamping element (See figure 3);

Wherein the central clamping element is clamped between the magnetic element and clamping yoke (figure 4, central clamping body [54a] is between the yoke [58b] and magnet [20]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwon.

Regarding claim 2, Kwon discloses:

The floating-type clamping mechanism of claim 1 wherein the magnetic element is a magnet (column 3, lines 45-48, yoke [58b] is adhered to 56a, which is well known to use magnets).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use magnets to adhere the yoke to the ring-shaped part.

6. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwon, in view of Yeh et al (US Publication Number 2002/0191531).

Regarding claims 4 and 8, Kwon fails to disclose:

The floating-type clamping mechanism, wherein when an optical disk is loaded into the optical disk drive, the magnetic element of the floating-type clamping mechanism attracts a magnetic element on a turntable of the optical disk drive for fixing the optical disk, and when the optical disk is ejected from the optical disk drive, the magnetic element of the floating-type clamping mechanism separates from the magnetic element on the turntable of the optical disk drive and the magnetic element of the floating-type clamping mechanism separates from the clamping body by the elastic force of the plurality of elastic elements.

Yeh et al disclose:

A floating-type clamping mechanism wherein when an optical disk is loaded into the optical disk drive, the magnetic element of the floating-type clamping mechanism attracts a magnetic element on a turntable of the optical disk drive for fixing the optical disk, and when the optical disk is ejected from the optical disk drive, the magnetic element of the floating-type clamping mechanism separates from the magnetic element on the turntable of the optical disk drive and the magnetic element of the floating-type clamping mechanism separates from the clamping body by the elastic force of the plurality of elastic elements (page 2, paragraph 24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Kwon with elastic elements which help to release the clamp

during ejection, as taught by Yeh et al. The variable clamping force in Yeh et al's clamp will release the clamping of the disc as the disc stops rotating, because the centripetal force provided by the springs varies with rotation. Slowing of the rotation will eventually release the disc so it can eject.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew G. Kayrish

6/13/2006

MK



6/13/2006


ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER